

DECLARATION

As a below-named inventor, I hereby declare that:

My correct residence, post office address and citizenship are stated below next to my name.

I believe myself to be the original, first and sole inventor (if only one name is listed below) or an original and first joint inventor (if more than one name is listed below) of the subject matter which is disclosed and claimed and for which a patent is sought on the invention entitled:

"File Access Control in a Multi-Protocol File Server"

The specification of this subject matter:

- is attached hereto.
- was filed on March 3, 1998;
- was assigned Serial No. 09/035,234;
- which was amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified patent application, including the claims, as amended by any amendment(s) referred to above. I believe the subject matter claimed in the above-identified application to be new and to be unobvious to persons of ordinary skill in the art in view of the prior art of which I am aware. I further hereby state that the specification of the above-identified patent application adequately describes how to make and use the claimed invention, and further that it sets forth the best mode for practicing the invention known to me as of the date that the application was filed. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. § 1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) or patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

| Application No. | Country | Filing Date | Priority Claimed |
|-----------------|---------|-------------|------------------|
|-----------------|---------|-------------|------------------|

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in these prior United States application(s) in the manner provided by 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

| Application No. | Filing Date | Status (Issued, Pending, Abandoned) |
|-----------------|-------------|-------------------------------------|
|-----------------|-------------|-------------------------------------|

| | | | |
|----------------------------|------------|-------------------|-----------|
| FULL NAME OF INVENTOR 1 | FIRST Name | MIDDLE Initial(s) | LAST Name |
| | David | | Hitz |

| | | | |
|------------------------------|----------------|--------------------------|------------------------|
| RESIDENCE AND CITIZENSHIP | City | State or Foreign Country | Country of Citizenship |
| | Portola Valley | California | United States |

| | | | | |
|------------------------|-----------------------|----------------|------------------|----------|
| POST OFFICE ADDRESS | Number and Street | City | State or Country | Zip Code |
| | 245 Old Spanish Trail | Portola Valley | California | 94028 |

| | | | |
|----------------------------|------------|-------------------|-----------|
| FULL NAME OF INVENTOR 2 | FIRST Name | MIDDLE Initial(s) | LAST Name |
| | Andrea | | Borr |

| | | | |
|------------------------------|-----------|--------------------------|------------------------|
| RESIDENCE AND CITIZENSHIP | City | State or Foreign Country | Country of Citizenship |
| | Los Gatos | California | United States |

| | | | | |
|------------------------|------------------------|-----------|------------------|----------|
| POST OFFICE ADDRESS | Number and Street | City | State or Country | Zip Code |
| | 785 Rancho Prieta Road | Los Gatos | California | 95033 |

| | | | |
|----------------------------|------------|-------------------|-----------|
| FULL NAME OF INVENTOR 3 | FIRST Name | MIDDLE Initial(s) | LAST Name |
| | Robert | J. | Hawley |

| | | | |
|------------------------------|----------|--------------------------|------------------------|
| RESIDENCE AND CITIZENSHIP | City | State or Foreign Country | Country of Citizenship |
| | San Jose | California | United States |

| | | | | |
|------------------------|----------------------|----------|------------------|------------|
| POST OFFICE ADDRESS | Number and Street | City | State or Country | Zip Code |
| | 1233 Hillcrest Drive | San Jose | California | 95120-4037 |

| | | | |
|----------------------------|------------------------|-------------------|-----------------------------|
| FULL NAME OF INVENTOR 4 | FIRST Name Mark | MIDDLE Initial(s) | LAST Name Muhlestein |
|----------------------------|------------------------|-------------------|-----------------------------|

| | | | |
|------------------------------|-------------------------|--|---|
| RESIDENCE AND CITIZENSHIP | City Morgan Hill | State or Foreign Country California | Country of Citizenship United States |
|------------------------------|-------------------------|--|---|

| | | | | |
|------------------------|---|-------------------------|------------------------------------|-----------------------|
| POST OFFICE ADDRESS | Number and Street 15105 Venetian Way | City Morgan Hill | State or Country California | Zip Code 95037 |
|------------------------|---|-------------------------|------------------------------------|-----------------------|

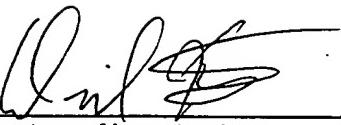
| | | | |
|----------------------------|------------------------|-------------------|--------------------------|
| FULL NAME OF INVENTOR 5 | FIRST Name Joan | MIDDLE Initial(s) | LAST Name Pearson |
|----------------------------|------------------------|-------------------|--------------------------|

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|------------------------------|------------------------|--|---|
| RESIDENCE AND CITIZENSHIP | City Menlo Park | State or Foreign Country California | Country of Citizenship United States |
|------------------------------|------------------------|--|---|

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|------------------------|---|------------------------|------------------------------------|-----------------------|
| POST OFFICE ADDRESS | Number and Street 692 Sand Hill Circle | City Menlo Park | State or Country California | Zip Code 94025 |
|------------------------|---|------------------------|------------------------------------|-----------------------|

I further declare that all statements made herein of my own knowledge are true and that all statements made upon information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature Page Follows



Signature of Inventor 1

8-14-98

Date

Date

Date

Date

Date

Signature of Inventor 1 _____ **Date** _____

Date _____

Signature of Inventor 2

August 6, 1998

Signature of Inventor 3

Date

Signature of Inventor 4

Date

Signature of Inventor 5

Date

Signature of Inventor 1

Date

Signature of Inventor 2

Date

Signature of Inventor 3

8/14/18
Date

Signature of Inventor 4

Date

Signature of Inventor 5

Date

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

Signature of Inventor 1

Date

Signature of Inventor 2

Date

Signature of Inventor 3

Date

Signature of Inventor 4

Date

Signature of Inventor 5

Date

TOP SECRET//COMINT

Signature of Inventor 1

Date

Signature of Inventor 2

Date

Signature of Inventor 3

Date

Signature of Inventor 4

Date

Donald Reasor
Signature of Inventor 5

August 6, 1998
Date

POWER OF ATTORNEY

Network Appliance, Inc., a California corporation, assignee of the application for United States Letters Patent for an invention entitled:

File Access Control in a Multi-Protocol File Server

invented by:

David Hitz, Andrea Borr, Robert James Hawley, Mark Muhlestein and Joan Pearson

- executed on even date herewith, or
 having Serial No. 09/035,234, filed March 3, 1998,

do(es) hereby appoint Steven A. Swernofsky, Registration No. 33,040, as attorney of record with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office connect therewith, and certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment, a copy of which is attached, from the inventor(s) of the patent application identified above.

Please send all correspondence and direct all telephone calls to:

Steven A. Swernofsky
The Law Offices of Steven A. Swernofsky
P.O. Box 390013
Mountain View, CA 94039-0013
Telephone (650) 947-0700

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

I, the undersigned, declare that I am the (an) assignee of the above-identified application, or, if the assignee is a corporation, partnership, or other association, I am authorized to make this appointment on behalf of the assignee, and I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Full Assignee Name: Network Appliance, Inc.

Post Office Address: 2770 San Thomas Expressway, Santa Clara, CA 95051

Signature

Date

8/5/98

Francine R. Bellet
Print Name

Title

Corporate Attorney

ASSIGNMENT

WHEREAS, we, David Hitz, a citizen of the US, residing at 245 Old Spanish Trail, Portola Valley, CA 94028, Andrea Borr, a citizen of the US, residing at 785 Rancho Prieta Road, Los Gatos, CA 95033, Robert James Hawley, a citizen of the US, residing at 1233 Hillcrest Dr., San Jose, CA 95120-4037, Mark Muhlestein, a citizen of the US, residing at 15105 Venetian Way, Morgan Hill, CA 95037 and Joan Pearson, a citizen of the US, residing at 692 Sand Hill Circle, Menlo Park, CA 94025 have invented a "File Access Control in a Multi-Protocol File Server" for which we have executed application papers for a U.S. patent thereon, which was filed on March 3, 1998, Serial No. 09/035,234; and

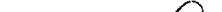
WHEREAS, Network Appliance, Inc. a California corporation, having a place of business at 2770 San Thomas Expressay, Santa Clara, California 95051 is desirous of acquiring the exclusive right, title and interest in and to said invention and in and to the Letters Patent to be granted and issued therefor in the United States of America and its territories and possessions, and in all countries foreign thereto;

NOW, THEREFORE, for a valuable consideration, the receipt of which is hereby acknowledged, we, David Hitz, Andrea Borr, Robert James Hawley, Mark Muhlestein and Joan Pearson, do sell, assign, transfer and set over unto the said Network Appliance, Inc., its successors and assigns, the full and exclusive right, title and interest in and to said invention, and in and to any and all letters patent to be granted and issued therefor, not only for, to and in the United States of America, its territories and possessions, but also for, to and in all other countries including all priority rights under the International Convention; and we hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said Network Appliance, Inc., its successors and assigns, in accordance with this Assignment.

WITNESS OUR HAND at _____, this _____ day of
_____, 1998.

Signature and Notary Page Follows

WITNESS OUR HAND at Santa Clara, CA, this 14th day of
August, 1998.


David Hitz

David Hitz

[See Attached Original]

Andrea Borr

[See Attached Original]

Robert Hawley

[See Attached Original]

Mark Muhlestein

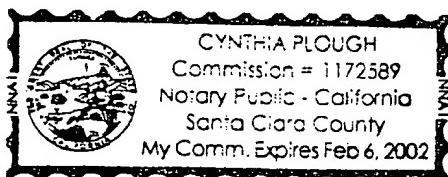
[See Attached Original]

Joan Pearson

STATE OF CALIFORNIA)
COUNTY OF Santa Clara)
ss)

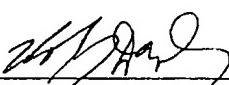
On this 14th day of August, 1998, before me, CYNTHIA PLOUGHT
_____, a Notary Public, personally appeared David Hitz personally known to me
(or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the
within instrument and acknowledged to me that he executed the same in his authorized capacity, and that
by his signature on the instrument the person or the entity upon behalf of which the person acted,
executed the instrument.

WITNESS my hand and official seal.




Carter H. Johnson

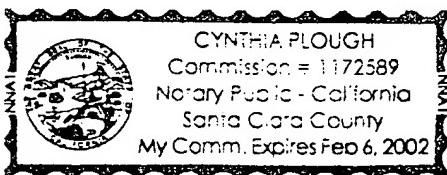
WITNESS OUR HAND at Santa Clara, CA, this 14th day of
August, 1998.


Robert Hawley

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA) ss.
)

On this 14th day of August, 1998, before me, CYNTHIA PLOUGH, a Notary Public, personally appeared Robert Hawley personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

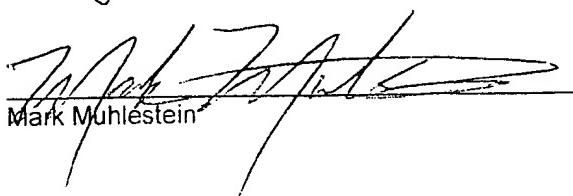
WITNESS my hand and official seal.




CYNTHIA PLOUGH
NOTARY PUBLIC

WITNESS OUR HAND at
August, 1998.

Santa Clara, CA, this 7th day of

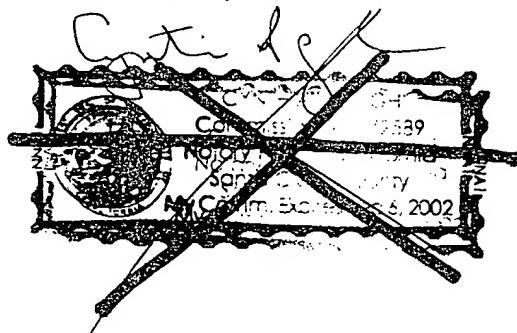


Mark Muhlestein

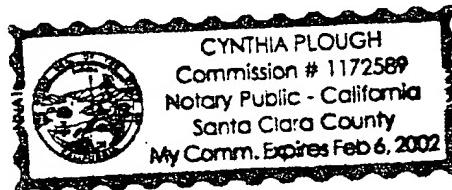
STATE OF CALIFORNIA)
 COUNTY OF SANTA CLARA) ss.
)

On this 7th day of August, 1998, before me, CYNTHIA PLOUGH, a Notary Public, personally appeared Mark Muhlestein personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Cynthia Plough
 NOTARY PUBLIC



WITNESS OUR HAND at September, 1998. Network Appliance, this 21ST day of

Andrea Borr
Andrea Borr

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA) ss.
)

On this 21st day of September, 1998, before me, CYNTHIA PLOUGH, a Notary Public, personally appeared Andrea Borr personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Cynthia Plough
NOTARY PUBLIC

WITNESS OUR HAND at Santa Clara, CA., this 6 day of
August, 1998.

Joan Pearson
 Joan Pearson

STATE OF CALIFORNIA)
 COUNTY OF SANTA CLARA) ss.
)

On this 6th day of AUGUST, 1998, before me, CYNTHIA PLough, a Notary Public, personally appeared Joan Pearson personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Cynthia Plough
 NOTARY PUBLIC



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JANUARY 27, 1999

PTAS

STEVEN A. SWERNOFSKY
P.O. BOX 390013
MOUNTAIN VIEW, CA 94040



100845386A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/28/1998

REEL/FRAME: 9486/0906
NUMBER OF PAGES: 9

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
HITZ, DAVID

DOC DATE: 08/14/1998

ASSIGNOR:
BORG, ANDREA

DOC DATE: 09/21/1998

ASSIGNOR:
HAWLEY, ROBERT JAMES

DOC DATE: 08/14/1998

ASSIGNOR:
MUHLESTEIN, MARK

DOC DATE: 08/07/1998

ASSIGNOR:
PEARSON, JOAN

DOC DATE: 08/06/1998

ASSIGNEE:
NETWORK APPLIANCE, INC.
2770 SAN THOMAS EXPRESSWAY
SANTA CLARA, CALIFORNIA 95051

RECEIVED
APR 3 1999

9486/0906 PAGE 2

SERIAL NUMBER: 09035234
PATENT NUMBER:

FILING DATE: 03/03/1998
ISSUE DATE:

PAULA MCCRAY, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

Correspondent Name and Address

Area Code and Telephone Number **(650) 947-0700**

Name **Steven A. Swernofsky**

Address (line 1) **The Law Offices of Steven A. Swernofsky**

Address (line 2) **P.O. Box 390013**

Address (line 3) **Mountain View, CA 94040**

Address (line 4) **United States**

Pages Enter the total number of pages of the attached conveyance document including any attachments.

9

Application Number(s) or Patent Number(s)

Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

09/035,234

Patent Number(s)

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year

Patent Cooperation Treaty (PCT)

PCT PCT PCT

Enter PCT application number

only if a U.S. Application Number **PCT** **PCT** **PCT**

has not been assigned.

Number of Properties

Enter the total number of properties involved. # **1**

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41): \$ **\$40.00**

Method of Payment:

Deposit Account

Enclosed

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

500365

Authorization to charge additional fees:

Yes

No

Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Steven A. Swernofsky



September 23, 1998

Name of Person Signing

Signature

Date

